

Message

From: DeLuca, Isabel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B021C30CBEE4637A7C7CA683E5E044A-IDELUCA]
Sent: 10/15/2018 6:05:48 PM
To: Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Millett, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c067caa6c93544f78c26ab08cc567d27-Millett, John]; Lewis, Josh [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22d1d3bb3f84436a524f76ab6c79d7e-JOLEWIS]
Subject: RE: article from this morning's query

Apologies for multiple messages –adding the body of the E&E article (below). Bill, John Konkus has a question and may give you a ring later this afternoon.

Wheeler hands 'YUGE win' to foes of science panels

Sean Reilly, E&E News reporter

Published: Monday, October 15, 2018

Two years ago, Steve Milloy was at the forefront in promoting a lawsuit aimed at forcing EPA to dissolve and reconstitute a scientific panel that would review the agency's standards for soot and other tiny airborne particles.

The suit failed, but Milloy, who served on President Trump's EPA transition team, is now celebrating a victory by administrative fiat that arguably went even further than his lawsuit on the review panel for particulate matter.

"EPA disbands PM panel ... another YUGE win!" he wrote in an email Saturday linking to a post on his blog, JunkScience.com.

In the decision announced last week, acting EPA Administrator Andrew Wheeler abolished the roughly 24-member review panel and didn't replace it. Instead, he concentrated responsibility for helping in the review with the Clean Air Scientific Advisory Committee, a seven-member body now dominated by his appointees.

In an email this morning, EPA spokesman John Konkus again stressed that the decision was consistent with the Clean Air Act and the committee's charter. Neither mentions using the review panels — which are, in effect, subcommittees — to provide added expertise in determining whether the standards for particulate matter and other common air pollutants are adequate to protect public health.

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But the seven-member committee — often known by its acronym, CASAC — has tapped such panels for at least 30 years, a [report](#) posted on EPA's website indicates.

"This is not a fix, in my mind; it's a radical change," Jon Samet, a former CASAC chairman who is now dean of the Colorado School of Public Health, said in an interview Friday.

Wheeler's decision comes, moreover, as recent research suggests that EPA's current limits on fine particulates aren't stringent enough to protect the public.

Such particulates, technically known as PM2.5 but often simply called soot, are linked to an array of heart and lung problems. In a study published last year, for example, Harvard University researchers linked increasing exposure — even at thresholds below EPA's current annual limit — to higher hospitalization rates among older Americans.

That yearly threshold of 12 micrograms per cubic meter of air was set in late 2012. Not long after, a coalition of business groups — including the National Association of Manufacturers, U.S. Chamber of Commerce and Utility Air Regulatory Group — challenged that decision with the U.S. Court of Appeals for the District of Columbia Circuit. They contended, in part, that the new threshold was unreasonable.

The coalition's lawyers included current EPA air chief Bill Wehrum, then an attorney in private practice.

In a unanimous 2014 [opinion](#), a three-judge panel rejected the coalition's arguments and ruled entirely in EPA's favor. The opinion's author was then-Circuit Judge Brett Kavanaugh, recently elevated by Trump to the Supreme Court.

The latest review of the particulate matter standards got underway in 2015. Wehrum referred to the EPA press office in an email this morning when asked whether he had any role in the decision to disband the review panel. Spokesman Konkus said Wehrum was "not involved" in that process.

Spokesmen for the manufacturers association and the U.S. Chamber also said their organizations didn't seek the panel's dissolution. A spokesman for the Edison Electric Institute, whose membership overlaps significantly with that of the Utility Air Regulatory Group, didn't reply to similar queries Friday and today.

'I couldn't be more pleased'

Milloy has long contended that concerns about the health effects of fine particulates are based on bogus science.

In 2016, the Energy and Environmental Legal Institute, an industry-allied organization where Milloy is listed as a senior policy fellow, sued to compel EPA to reconstitute the particulate matter review panel on the grounds that most of its members had received agency grants at some point and were thus allegedly biased in favor of stricter regulation.

The institute dropped the lawsuit after EPA attorneys questioned the group's legal standing to sue.

But in a *Wall Street Journal* op-ed last year, Milloy wrote that "President Trump and his EPA administrator have ample statutory authority to rectify the problem."

"I couldn't be more pleased" with Wheeler's decision, Milloy said in a phone interview today. "This is something that I've been pushing for since the transition team."

Wheeler last week also called off plans to create a similar panel to assist in a newly launched review of the ground-level ozone standard. EPA had sought nominations for that panel in late July, almost a month after Wheeler took over as acting administrator.

Wheeler was traveling today and not available for an interview, according to Konkus.

Asked why Wheeler sought candidates for the ozone panel in light of his current stance, Konkus said he decided to give the seven-member CASAC the job of leading the reviews, based on a number of factors. Those included a May memorandum laying out a new process for conducting the assessments of pollutant standards, as well as "the plain language" of the Clean Air Act, the Federal Advisory Committee Act and CASAC's charter, he said.

From: DeLuca, Isabel

Sent: Monday, October 15, 2018 1:56 PM

To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Cc: Millett, John <Millett.John@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>

Subject: article from this morning's query

Following up from the email chain this morning, here's the article Sean Reilly published:

<https://www.eenews.net/greenwire/2018/10/15/stories/1060102573>

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